

SENATE BILL REPORT

HB 1596

As Reported by Senate Committee On:
Health & Long-Term Care, March 25, 2009

Title: An act relating to protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement.

Brief Description: Protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement.

Sponsors: Representatives Green, Hunt, Hudgins, Williams, Rolfes, Morrell, Campbell, Roberts, Kagi, Dickerson, Goodman, Upthegrove, Simpson, Moeller, Ormsby and Nelson.

Brief History: Passed House: 3/03/09, 93-0.

Committee Activity: Health & Long-Term Care: 3/23/09, 3/25/09 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Pflug, Ranking Minority Member; Becker, Fairley and Parlette.

Staff: Mich'l Needham (786-7442)

Background: Washington's law against discrimination prohibits discrimination against a person in the enjoyment of public accommodations; in employment; in real estate transactions, insurance, and credit transactions; and other specific circumstances based on the person's race, creed, color, national origin, sex, military or veteran status, sexual orientation, the presence of any sensory, mental, or physical disability or, in certain circumstances, other factors. Discriminatory acts are considered unfair practices and may be the subject of complaints brought to the Washington Human Rights Commission or filed in court.

The prohibition against discriminating in providing public accommodations applies to "any place of public resort, accommodation, assemblage, or amusement" and includes restaurants, hotels, motels, inns, stores, markets, shopping malls, theaters, cinemas, concert halls, arenas, parks, fairs, arcades, libraries, schools, government offices, and hospitals.

According to the National Conference of State Legislatures' summary of states' breastfeeding laws, Washington is one of 25 states that expressly declares the act of breastfeeding or

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expressing breast milk not to be indecent exposure under state criminal laws. Washington is one of 21 states that address breastfeeding in the workplace. Washington allows a public or private employer to use the designation "infant-friendly" if it provides flexible work schedules and clean appropriate facilities for breastfeeding and expressing breast milk. Forty states other than Washington have laws with language that allow women to breastfeed in public and private locations.

Summary of Bill: Washington's law against discrimination includes the right of a mother to breastfeed her child in any place of public resort, accommodation, assemblage, or amusement. Discriminating against a woman based on her status as a mother breastfeeding her child is an unfair practice under the state's law against discrimination.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill has been here in a number of different forms and although Washington has some laws on breastfeeding, women continue to be asked to leave public places when feeding their children. Although we have a high percentage of women who start breastfeeding their newborns, the drop off rate at six weeks and six months is significant. When women starting going out with their infants and/or return to work, they find it is harder to breastfeed in public. Women have the right to feed their children and we should support them in doing this. Washington should join the 40 other states that support a woman's right to breastfeed in public. We shouldn't need a law to allow women to feed their children where and when those children are hungry, but women continue to be harassed and asked to leave public places for providing basic nutritional support for their children with a basic body function. Breastfeeding has been proven to be the best alternative for our children. It helps keep children healthier, and reduces the frequency of ear infections and other illnesses, and decreases health spending.

Persons Testifying: PRO: Representative Green, prime sponsor; Kim Rechner, Kerrie Christie, mothers; Heather Moore, Washington Chapter of National Organization of Women; Gwen Marshall, South Sound Breastfeeding Network; Melissa Bonghi, mother of two; Emily Healy, La Leche League of Washington, Seattle-King County Breastfeeding Coalition.